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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIE HILL,

Defendant.

No. CR 03-0239 PJH

**MOTION TO DISMISS
BY THE UNITED STATES AND
[PROPOSED] ORDER OF DISMISSAL**

With leave of the Court, and pursuant to Federal Rule of Criminal Procedure 48(a), the United States Attorney for the Northern District of California requests leave to dismiss and moves to dismiss the above Indictment.

The government agreed to dismiss the above Indictment upon entering into a single plea agreement with the defendant in 2005 that covered both this case and the defendant's other pending criminal case, *U.S. v. Willie Hill*, CR 01-0149 MJJ. Pursuant to that plea agreement, the defendant agreed to plead guilty to a criminal count in the other case, CR 01-0149 MJJ, and the government agreed to dismiss this Indictment, CR 03-0239 MJJ. The dismissal of this Indictment, CR 03-0239 MJJ, was to occur at the time of sentencing on the count in CR 01-0149 MJJ.

Motion to Dismiss and [Proposed]
Order, *U.S. v. Willie Hill*, CR 03-0239 MJJ

1 The defendant pleaded guilty under the terms of the plea agreement on April 21, 2005,
2 before the Honorable Martin J. Jenkins, the then-assigned U.S. District Court Judge. (CR 01-
3 0149 docket numbers 558, 560.)

4 Sentencing on the count in CR 01-0149 MJJ occurred on January 20, 2006. (CR 01-0149
5 docket number 699.)

6 No record exists in this docket, CR 03-0239 MJJ, that the government moved to dismiss
7 this Indictment, CR 03-0239 MJJ, at that time.

8 This case was subsequently reassigned to this Court.

9 Accordingly, the government now moves to dismiss this Indictment, CR 03-0239 PJH.

10 DATED: November 13, 2012

Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

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14 /s/
15 MIRANDA KANE
Chief, Criminal Division

16 **IT IS HEREBY ORDERED** that leave to dismiss the Indictment CR 03-0239 PJH is granted to
17 the government and that the Indictment is hereby dismissed.

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19 Date: 11/16/12

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21 PHYLLIS J. HAMILTON
United States District Judge
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